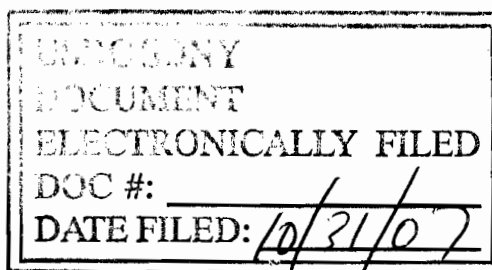


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
EDELBERTO PRADA-GARCIA (A# 040 246 274),

Petitioner,

-against-

UNITED STATES ATTORNEY GENERAL ALBERTO
GONZALES, UNITED STATES DEPARTMENT OF
HOMELAND SECURITY AND ITS SECRETARY
THE HONORABLE MICHAEL CHERTOFF, UNITED
STATES CITIZENSHIP AND IMMIGRATION
SERVICE, NEW YORK DISTRICT OFFICE AND ITS
DISTRICT DIRECTOR ANDREA J. QUARANTILLO.

Respondents.
----- X

07 Civ. 7445 (GEL)

ECF Case

STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL

WHEREAS, petitioner Edelberto Prada-Garcia ("petitioner") obtained lawful permanent residency on or about October 15, 1986;

WHEREAS, on or about July 18, 1988, petitioner was convicted of attempted rape in the second degree;

WHEREAS, in or about April 1997, removal proceedings were commenced against petitioner;

WHEREAS, petitioner submitted an application for naturalized citizenship ("application") to the Department of Homeland Security, United States Citizenship and Immigration Services (the "CIS") on or about August 11, 2003;

WHEREAS, with the consent of the Department of Homeland Security, Immigration and Customs Enforcement (the "ICE"), on or about April 1, 2004, Immigration Judge Noel A. Ferris issued an Order administratively closing the pending removal proceeding;

WHEREAS, on or about August 11, 2004, petitioner's application for naturalization was denied by the CIS because petitioner failed to establish that he was a person of good moral character;

WHEREAS, on or about July 21, 2007, the CIS affirmed the decision to deny petitioner's application for naturalization;

WHEREAS, on or about August 22, 2007, petitioner filed a Complaint in the above-captioned action seeking that his application for naturalization be granted;

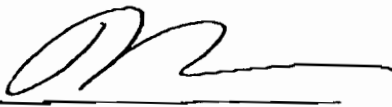
NOW, THEREFORE, IT IS STIPULATED AND AGREED, by and between the undersigned counsel for the parties, as follows:

1. Within 30 days of the execution of this Stipulation and Order, petitioner and ICE shall file a joint motion to recalendar the administratively closed immigration court proceeding regarding petitioner, with a request to terminate proceedings without prejudice, in order to allow the CIS to reopen the appeal hearing on petitioner's application for naturalization.
2. Petitioner's application for naturalization be remanded to the CIS with the instruction that the CIS reopen the appeal hearing to conduct a new hearing of

petitioner, pursuant to INA § 336(a), 8 U.S.C. § 1447(a), and render a new decision with respect to petitioner's application for naturalization.

3. The above-captioned complaint is hereby dismissed with prejudice and without costs or attorney's fees to any party.

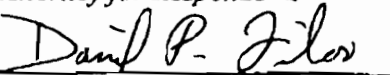
Dated: New York, New York
October 29, 2007


PETER E. TORRES
112 East 23rd Street, Suite 500
New York, New York 10010
Tel: (917) 312-3169
Attorney for Petitioner

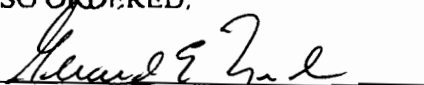
Dated: New York, New York
October 30, 2007

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Respondents

By:


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Assistant United States Attorney
86 Chambers Street, 3rd Floor
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Telephone: (212) 637-2726

SO ORDERED:


GERARD E. LYNCH
United States District Judge

10/30/07